



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

February 18th, 2020

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **February 18th, 2020, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Earl Cunningham
 Dwayne Hogan Glen Minich
 Greg Szybala

PRESENT: Annemarie Polan, Recording Secretary, Attorney Brad Adamsky; Ashley
 Kazmucha, Secretary

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of January 21st, 2020.

Glen Minich made a motion to approve the meeting minutes of January 21st, 2020 as presented.

Dwayne Hogan seconded.

Motion carries 5-0.

Petitions:

1. Petition for Variance of Developmental Standards for William Sales (seller) and Thomas and Dana Kutz (buyer) for construction of a second accessory structure fifty-four feet by ninety-six feet (54' x 96') with a bathroom and a height of twenty-nine feet (29') instead of the maximum eighteen feet (18'). The venue will be in operation year-round. The property is located at 4555 W. Johnson Rd., LaPorte, IN., Center Twp., zoned R1B on 8 acres. Parcel 46-06-20-100-002.000-042.

Attorney Adamsky stated notice is adequate.

Thomas and Dana Kutz stated their address is 6247 N. Range Rd., Michigan City, IN.

Renee Sales stated her address is 2886 N. Palmer Ave., LaPorte, IN. She is representing the seller.

Dana Kutz stated they want to continue what the Sales had started there as far as it being a wedding venue. The name will change to Circa 1856, but they will be on the same property. Their plan is to construct a new building in addition to the seasonal facilities already in place so the business can be operational year-round.

Melissa Mullins Mischke asked what kind of hours of operation they expect to have.

Dana Kutz stated the events will primarily be on weekends. Bridal parties will have access as early as 10 a.m. and parties are expected to be off premises by midnight. Most of the events will be taking place in the evening hours.

Dwayne Hogan asked if they would be doing other events besides wedding.

Dana Kutz stated yes.

Melissa Mullins Mischke asked if 10 a.m. to midnight Friday through Sunday would be feasible.

Dana Kutz stated yes.

No remonstrators.

Earl Cunningham thanked the petitioners for investing in LaPorte County and continuing to run the venue.

Dwayne Hogan stated they may have a Wednesday event such as a rehearsal dinner so the terminating hour should be limited, not the days.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for William Sales (seller) and Thomas and Dana Kutz (buyer) for construction of a second accessory structure fifty-four feet by ninety-six feet (54' x 96') with a bathroom and a height of twenty-nine feet (29') instead of the maximum eighteen feet (18'). The venue will be in operation year-round. Hours of operation will not exceed midnight on any day. The property is located at 4555 W. Johnson Rd., LaPorte, IN., Center Twp., zoned R1B on 8 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

2. Petition for Variance of Developmental Standards for Richard Veldman for placement of a modular home at least 575 ft.² instead of the required 1,000 ft.² for an elderly parent. The property is located at 524 S. 525 E., LaPorte, IN., Pleasant Twp., zoned A on 12 acres. Parcel 46-11-02-200-007.000-057.

Attorney Adamsky stated notice is adequate.

Richard Veldman stated their address is 524 S. 525 E., LaPorte, IN. He resides at 551 S. 400 E., LaPorte, IN. The property is adjacent.

Jessica Logan stated her address is 551 S. 400 E., LaPorte, IN.

Melissa Mullins Mischke asked if he lives at this property currently.

Richard Veldman stated he lives right next door.

Melissa Mullins Mischke asked if he is a full-time resident there.

Richard Veldman stated yes.

Melissa Mullins Mischke asked if they want the elderly parent on their own separate parcel as opposed to one with him.

Richard Veldman stated he had a house there before. He bought the adjacent property to have all twenty-four (24) acres together. He then demolished his house and left the building there. They are going to provide a place for Carol, Jessica Logan's mother.

Dwayne Hogan asked if there was a stick-built or modular home there previously.

Richard Veldman stated stick-built.

Jessica Logan stated the property is still very close to their residence.

Melissa Mullins Mischke asked how old Carol is.

Jessica Logan stated she will be seventy-seven (77) this year. She still wants her independence.

Glen Minich asked if they have picked out a modular model.

Jessica Logan supplied a layout of one of the homes they are considering. It is a two-bedroom.

Glen Minich stated it is a park model, but he imagines it will be set on a foundation.

Jessica Logan stated yes. They will be getting the septic inspected upon approval of the variance.

No remonstrators.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Richard Veldman for placement of a modular home at least 575 ft.² instead of the required

1,000 ft.² for an elderly parent. The property is located at 524 S. 525 E., LaPorte, IN., Pleasant Twp., zoned A on 12 acres.

Glen Minich seconded.

Approved. Motion passed 4-1.

3. Petition for Variance of Developmental Standards for Vanessa Piemonte (buyer) and Bingham Risley Estate (seller) for relocation of a manufactured home (80' x 16') to a parcel with one hundred feet (100') of road frontage instead of the minimum required two hundred feet (200') and a lot of point six-three (.63) acres instead the minimum required one (1) acre. The property is located at 5776 W. 800 N., Michigan City, IN., Springfield Twp., zoned R1B on .63 acres. Parcel 46-02-30-101-011.000-062.

Attorney Adamsky stated notice is adequate.

Vanessa Piemonte stated her address is 800 Hwy. 212 Lot J7, Michigan City, IN.

Vanessa Piemonte stated where she currently is living, she is being harassed by her neighbors. She would like to move onto her own lot. She wants to move to a private lot. She has a contractor to remove the tree and clean up the lot. He also does septic and mound systems.

Melissa Mullins Mischke asked if it is a modular or mobile home.

Vanessa Piemonte stated it is manufactured, but it is extra-long. It is eighty feet (80') long and twelve-hundred square feet (1,200 ft.²). It is not a double wide. It has three bedrooms and two full bathrooms. It is in good condition. She has a new Amish shed to match the home.

Melissa Mullins Mischke asked how far away from property lines she will be.

Vanessa Piemonte stated she will have ten feet (10') on each side.

Melissa Mullins Mischke stated the home will be long ways on the property.

Vanessa Piemonte stated it will be placed across the property so it looks like a normal home from the road. It will be long ways parallel to the road.

Glen Minich stated that if she decides to place it that way, she only has ten-foot (10') setbacks on each side. She would need a variance to do that and she did not ask for that.

Vanessa Piemonte asked if she would she have to put it long ways. Wouldn't they prefer it the other way?

Attorney Adamsky stated they may, but the Board is saying she would need to amend the petition because the notice wasn't for a variation of the developmental standards of setbacks. It was just for the road frontage.

Annemarie Polan stated she is zoned R1B and the side yard setbacks are ten feet (10'). She is ok. It is also a lot of record so she does not need a variance for the land.

Glen Minich asked if they are going to have any trouble securing the home like a module.

Vanessa Piemonte stated she would put in a slab and a three-foot (3') crawl space.

Glen Minich stated that not every home is built for a solid foundation.

Melissa Mullins Mischke stated their issue is with the variance and the construction will be left to the building department after the permit is issued.

Glen Minich stated that she should be aware that she has a manufactured home that has an internal that allows it to be fastened directly to a foundation. If it is a mobile home, that will not work.

Vanessa Piemonte stated is it manufactured, not mobile.

Earl Cunningham stated that she had to notify her neighbors for any variance and if they're not here then that is comforting.

Remonstrators:

Stanley Kniola stated his address is 5773 W. 800 N., Michigan City, IN.

Carol Wingard stated her address 5775 W. 800 N., Michigan City, IN.

Stanley Kniola stated he also owns the adjacent property, 5752 W. 800 N., Michigan City, IN.

Stanly Kniola stated he is concerned that the lot is not big enough. The entire back half of the lot is swampy. It is in a wetland. It is not buildable. About fifty to seventy-five feet (50' - 75') of the back of the property. He owns the adjacent property and it is the same way. The lot is not large enough for the manufactured home she wants to place there along with the mound and well.

Carol Wingard stated she is concerned that it looks like a trailer. It is a sixteen-foot by eighty-foot (16' x 80') trailer. They have had several of them in the neighborhood and it has never gone well. There was a manufactured home across the street with a garage. The trailer was removed and now the garage sits. The property that she wants to move onto had a house that was vacated about eight years ago and then was left standing alone for six years before being demolished. She had phone calls monthly about the home while she was trying to sell her home. Nobody had taken care of the property since. It was recently placed on the market. There have been seven homes in the neighborhood go into foreclosure. She has lived there all her life. She is concerned with the value of the neighborhood. She hopes to retire there.

(Annemarie Polan later confirmed that the building was not left standing for six years. The accepted bid to demolish the property was dated December 10, 2014.)

Earl Cunningham asked Attorney Adamsky that if they approve the variance, it still has to go through the building department and septic so it has no bearing on their decision.

Attorney Adamsky stated that is correct.

Vanessa Piemonte stated that placing it long ways allows her to stay out of any wet area.

Annemarie Polan stated there are a lot of wetlands around the parcel, but hers is okay.

Glen Minich stated to the remonstrators that if the variance is granted because it physically works, that does not mean it will go in for certain because she will still have to be approved for a septic by the Health Department. Without approval, it cannot be placed there. Their place is to decide whether it fits in the neighborhood for developmental standards.

Vanessa Piemonte stated it is a manufactured home. It is not a trailer.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Vanessa Piemonte (buyer) and Bingham Risley Estate (seller) for relocation of a manufactured home (80' x 16') to a parcel with one hundred feet (100') of road frontage instead of the minimum required two hundred feet (200') and a lot of point six-three (.63) acres instead the minimum required one (1) acre. The parcel is a lot of record. The property is located at 5776 W. 800 N., Michigan City, IN., Springfield Twp., zoned R1B on .63 acres.

Earl Cunningham seconded.

Approved. Motion carries 3-2.

4. Petition for Variance of Developmental Standards for Robert Stevens for construction of a pole barn thirty-six-feet by fifty-six feet (36' x 56') to the side of the home instead of the rear with a height of twenty-two feet (22') instead of the maximum allowed eighteen feet (18') and water for a sink and washing vehicles. The property is located at 1012 E. Hamilton St., Union Mills, IN., Noble Twp., zoned R1B. Parcel 46-14-09-405-004.000-056.

Attorney Adamsky stated notice is adequate.

Robert Stevens stated his address is 1012 E. Hamilton St., Union Mills, IN.

Dwayne Hogan stated the building is a good size and fits well.

Robert Stevens stated they never say go smaller.

Melissa Mullins Mischke stated this is a giant building. What will be inside?

Robert Stevens stated a boat, a four-wheeler, a snowmobile, woodworking materials, and maybe an old car one day.

Melissa Mullins Mischke asked if there will be a hoist in the building.

Robert Stevens stated yes, eventually down the road.

Melissa Mullins Mischke asked if the pole barn will match the home.

Robert Stevens stated yes, but it is going to be a metal building with metal siding. He will try to match it, but he may eventually redo the house to match the pole barn. He will make it look nice.

Glen Minich stated that the neighboring lot has a white metal shed that does not match.

Earl Cunningham asked if he plans to wash cars commercially.

Robert Stevens stated no.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Robert Stevens for construction of a pole barn thirty-six-feet by fifty-six feet (36' x 56') to the side of the home instead of the rear with a height of twenty-two feet (22') instead of the maximum allowed eighteen feet (18') and water for a sink and washing vehicles for personal use only. The pole barn should be aesthetically pleasing and nearly match the home. The property is located at 1012 E. Hamilton St., Union Mills, IN., Noble Twp., zoned R1B.

Greg Szybala seconded.

All Approved. Motion carries 5-0.

5. Petition for Variance of Developmental Standards for Worth and Pamila

Anderson for construction of a home with one hundred and twenty feet (120') of road frontage instead of the minimum required two hundred feet (200'); seventy feet (70') from the homesite located at 3307 N. 500 E. will be added to the parcel's current frontage of fifty feet (50'). The property is located between 3307 and 3255 N. 500 E., Rolling Prairie, IN., Wills Twp., zoned A on 21 and 4.032 acres. Parcels 46-07-13-300-003.000-068 and 46-07-13-300-026.000-068.

Withdrawn.

6. Petition for Variance of Developmental Standards for Brett A and Erin E Davis

for construction of a second accessory structure thirty-feet by sixty feet (30' x 60') being placed to the side and front of the home for residential use. The property is located at

10707 S. 300 W., Union Mills, IN., Noble Twp., zoned A on 3 acres. Parcel 46-14-27-300-008.000-056.

Attorney Adamsky asked if Annemarie Polan has publication on the variance.

Annemarie Polan stated no.

Attorney Adamsky stated there is proof of mail, but not publication. It was published in the newspaper. They may proceed contingent that proof of publication is submitted later.

Brian Gaddis stated his address is 213 W. Ben St., New Carlisle, IN.

Brett Davis stated his address is 10707 S. 300 W., Union Mills, IN.

Melissa Mullins Mischke asked if the pole barn will be big enough.

Brett Davis stated he has been waiting for this pole barn for twenty (20) years. It will be big enough.

Melissa Mullins Mischke asked what it will be used for.

Brett Davis stated it will be for winter storage for his wife and daughters' vehicles and storage of his boat and motorcycles. There will be electric, but not water.

Melissa Mullins Mischke stated that if the variance is approved it will not truly be approved until there is proof of publication.

Brett Davis stated he understands.

Dwayne Hogan asked if a building permit was pulled for the building already.

Brian Gaddis stated it is in process.

Ashley Kazmucha stated it will not be issued until the variance is approved.

Melissa Mullins Mischke stated he started construction before the permit was completed.

Brian Gaddis stated they did.

Dwayne Hogan asked when construction was started.

Brian Gaddis stated they began construction while he went to pull the permit where he was advised he needed a variance for zoning.

No remonstrators.

Glen Minich stated there is an issue with the side yard.

Brian Gaddis stated that is the north side. It is seventeen feet (17') from the property line.

Glen Minich stated he needs another variance.

Annemarie Polan stated that for residential use the residential setbacks are used.

Brian Adamsky asked if that is true in Ag zoning.

Annemarie Polan stated yes. Seventeen feet (17') setback would be fine with it being residential use.

Dwayne Hogan asked what the Ag setback is.

Annemarie Polan stated thirty feet (30').

Glen Minich stated they should be consistent with this.

Annemarie Polan stated it is conflicted. If you're zoned residential, have five acres, and you want to put up a pole barn for ag use, the ag setbacks are used. If you are in Ag and putting up a building for residential use, the residential setbacks are used.

Earl Cunningham stated there won't be anhydrous stored in there like you might farm on a farm.

Brett Davis stated no.

Glen Minich stated the setbacks are to protect the owner as much as the neighbor. There will be anhydrous applied to the field next to it and moving closer to the agriculture use could lead to problems in the future.

Melissa Mullins Mischke stated those concerns could be discussed after the meeting.

Dwayne Hogan asked when the building permit will be issued.

Ashley Kazmucha stated as soon as he comes up to the building department to provides proof of publication and pays for the permit.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Brett A and Erin E Davis for construction of a second accessory structure thirty-feet by sixty feet (30' x 60') being placed to the side and front of the home for residential use. The property is located at 10707 S. 300 W., Union Mills, IN., Noble Twp., zoned A on 3 acres.

Earl Cunningham seconded.

All approved. Motion carries 5-0.

(Proof of publication provided via email to Ashley Kazmucha before the meeting adjourned.)

7. Petition for Variance of Developmental Standards for Darrell Tate (buyer) and Gene O'Connor (seller) for construction of a home and barn with thirty feet (30') of road frontage instead of the minimum required two hundred feet (200'). The property entrance is located between 7889 and 7855 W. 350 S., LaPorte, IN., New Durham Twp., zoned A on 3.04 acres. Parcel 46-09-23-300-010.000-027.

Attorney Adamsky stated notice is adequate.

Darrell Tate stated their address is 3331 W. 1350 S., Hanna, IN.

Melissa Mullins Mischke asked if he is going to live at this location.

Darrell Tate stated yes.

Melissa Mullins Mischke stated she does not like parcels with tiny road frontage that then open up.

Darrell Tate stated he would be building behind the row of existing homes.

Melissa Mullins Mischke asked Dwayne Hogan what the minimum feet needed for a firetruck or emergency vehicle to turn around.

Dwayne Hogan stated it can be done in twelve feet (12') if needed.

Melissa Mullins Mischke stated her only concern is of safety. They need to be able to get equipment back to the home.

Greg Szybala asked if the land has already been purchased or if it is contingent on the variance.

Darrell Tate stated it is contingent on the variance and other things like the septic.

Dwayne Hogan stated the drive to the back is only thirty feet (30') wide.

Darrell Tate stated that is correct.

Melissa Mullins Mischke stated that if the variance is approved, they would need to post their address and make sure it is visible to emergency services.

Glen Minich asked if they had looked at the title of the property. What does it say about access?

Darrell Tate stated he has not seen the title, but he was told it was a building site. He thinks it was intended to be, but the need for a variance was not taken into consideration.

Melissa Mullins Mischke stated it a physical parcel along the road frontage. It is not an easement.

Glen Minich stated he thought it was intended to be used for access. It had to be platted at one time.

Annemarie Polan stated it should have been a minor subdivision, not just split off.

Melissa Mullins Mischke stated that doesn't have any bearing on their vote.

Attorney Adamsky stated it could be factored into the justification for granting a variance. A hardship was created and they bought into the hardship.

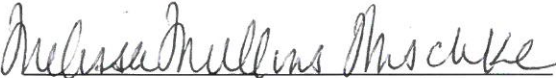
No remonstrators.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Darrell Tate (buyer) and Gene O'Connor (seller) for construction of a home and barn with thirty feet (30') of road frontage instead of the minimum required two hundred feet (200'). The property entrance is located between 7889 and 7855 W. 350 S., LaPorte, IN., New Durham Twp., zoned A on 3.04 acres.

Dwayne Hogan seconded.

Approved. Motion carries 4-1.

There being no further business, meeting adjourned at 6:47 p.m.


Melissa Mullins Mischke, President


Annemarie Polan, Recording Secretary